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Attorney for Plaintiffs Peter Roa and Dirck Sielken

IN THE DISTRICT COURT

FOR THE DISTRICT OF HAWAII

PETER ROA, and

DIRCK SIELKEN,

Plaintiffs,

vs.

ANNE E. LOPEZ, in her official  
capacity as Attorney General for the  
State of Hawai'i,

Defendant.

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CIVIL ACTION No.: 23-00079 DKW-RT

FIRST JOINT STATUS REPORT RE:  
STAY OF PROCEEDINGS PENDING  
THE NINTH CIRCUIT COURT OF  
APPEAL'S DECISION IN  
*TETER V. CONNORS*, 20-15948

**THIRD JOINT STATUS REPORT RE:  
STAY OF PROCEEDINGS PENDING  
THE NINTH CIRCUIT COURT OF APPEAL'S  
DECISION IN TETER V. CONNORS, 20-15948**

1. On February 10, 2023, Plaintiffs Peter Roa and Dirck Sielken filed the Complaint in the above captioned case, which, in sum, alleges the State of Hawaii's ("State") ban on switchblade knives, pursuant to Hawaii Revised Statute (HRS) §§ 134-51-52, violates the Second Amendment to the United States Constitution (the "Complaint").

2. On April 10, 2019, a separate complaint had been filed in the case styled *Teter v. Connors*, 19-cv-00183-ACK-WRP ("*Teter*"), that alleged the State's ban on butterfly knives, pursuant to HRS § 134-53, violates the Second Amendment to the United States Constitution.

3. On May 13, 2020, Senior United States District Judge Alan C. Kay granted the State's Motion for Summary Judgement in *Teter* and held that the State's ban on butterfly knives pursuant to HRS § 134-53 does not violate the Second Amendment, and therefore is not unconstitutional.

4. The Plaintiffs in *Teter* timely appealed from the Order granting Summary Judgment in Case 1:23-cv-00079-DKW-RT and the case styled *Teter v. Connors*, Case Number 20-15948 (the "Appeal") is pending before the Ninth Circuit Court of Appeals.

5. On February 14, 2023 the Ninth Circuit Court of Appeals heard oral argument in the Appeal and a decision from the Ninth Circuit Court of Appeals is expected.

6. In order to avoid any unnecessary expenditure of litigant and judicial resources, on March 29, 2023, the Parties stipulated to a stay of this case pending the decision in *Teter*.

7. On March 30, 2023, this Court entered the parties' Stipulation and Order which stayed all proceeding and deadlines in this case pending the *Teter* decision. *Dkt.* 13, PID 326.

8. On April 3, 2023, this Court entered a Minute Order requiring, *inter alia.*, that the parties file a Joint Status Report every ninety (90) days beginning on June 3, 2023.

9. This is the third of the required Joint Status Reports.

10. Since the filing of the First Joint Status Report, *Dkt.* 15 and on August 7, 2023, the three-judge panel of The United States Court of Appeals for the Ninth Circuit released its opinion styled *Andrew Teter, et. al. v. Anne E. Lopez*, No. 20-15948, \_\_\_ F.4th \_\_\_, 2023 WL 5008203 (9th Cir. Aug. 7, 2023) holding "that section 134-53(a) violates the Second Amendment as incorporated against Hawaii through the Fourteenth Amendment." *Id.* at \*13.

11. On August 7, 2023, Plaintiffs provided a proposed stipulation to opposing counsel that would have resolved this case and modeled after the stipulation filed in *Yukutake v. Lopez*, 1:22-CV-00323-JAO-WRP. Plaintiffs received no response to this proposal.

12. On August 14, 2023, the State of Hawai‘i (*i.e.*, Anne E. Lopez), filed a Motion to Extend the time to file its Petition to have *Teter* reviewed *en banc*. The Motion was not opposed by Plaintiffs in *Teter* and the Court extended the time for filing the *en banc* Petition to September 20, 2023.

13. Briefing has been completed.

14. However, the parties are still awaiting final resolution of *Teter* and, pursuant to this Court’s Order, will inform the Court within ten (10) days of that final resolution.

Dated: Honolulu, Hawai‘i, January 8, 2024.

Respectfully submitted,

s/Alan Beck

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